



05-18-05

15w 1637 #

Docket No. 4290-4000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): O. IHLE, ET AL.

Group Art Unit: 1637

Serial No.: 09/870,128

Examiner: Heather Calamita

Filed: May 30, 2001

For: METHOD FOR SEPARATING NUCLEIC ACIDS INTO POPULATIONS

**EXPRESS MAIL CERTIFICATE**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Date of Deposit: May 16, 2005

I hereby certify that the following attached paper(s) and/or fee

1. PETITION AND FEE FOR EXENTION OF TIME (37 C.F.R. 1.136(a))
2. CHECK (\$120.00)
3. RESPONSE TO THE MARCH 17, 2005 OFFICE ACTION
4. RETURN RECEIPT POSTCARD

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Scholastica Constable

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**Response To The March 17, 2005 Office Action**

Dear Sir:

This Response is submitted in reply to the March 17, 2005 Office Action received in the above-identified patent application and addresses the restriction requirement of that Office Action.

In addition, a Petition for an Extension of Time (1 month) under 37 C.F.R. §1.136(a) to extend the response period up to and including May 17, 2005, along with the required fee in accordance with 37 C.F.R. §1.17 (a)(5), are provided herewith.

**REMARKS**

As a preliminary matter the applicants cancel claim 1. Claims 39-96 remain under consideration.

In the Office Action dated March 17, 2005, the Examiner requires the election of one of three inventions. Invention I is represented by pending claims 1, 39-58 and 62-93 drawn to a method for separating nucleic acid molecules; Invention II is represented by pending claims 59-61 drawn to a method of in vitro phage packaging of recombinant phage and Invention III is represented by pending claims 94-96 drawn to a